

ENTERED

June 10, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LINDSAY SHELTON,

Plaintiff,

VS.

THE STATE OF TEXAS, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:22-CV-00042

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

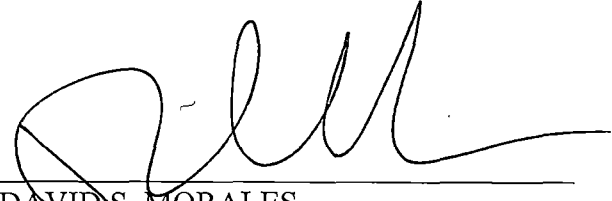
Before the Court is Magistrate Judge Julie K. Hampton's Memorandum and Recommendation ("M&R"), entered on May 16, 2022. (D.E. 6). The M&R recommends that the Court dismiss Plaintiff's case under Federal Rule of Civil Procedure 41(b) for failure to comply with Judge Hampton's D.E. 4 order.¹

The Court provided the parties with proper notice of, and the opportunity to object to, the M&R. *See* U.S.C. § 636(b)(1); FED R. CIV. P. 72(b); General Order No. 2002-13. Plaintiff did not file a timely objection to the M&R. Because Plaintiff did not file a timely objection, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015) (Harmon, J.).

¹ Judge Hampton's D.E. 4 order instructed Plaintiff to submit an amended complaint within thirty days of the order. (D.E. 4). Plaintiff was warned that failure to comply with the D.E. 4 order in a timely manner could result in the case being dismissed for want of prosecution. *Id.*

The Court has carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finds that the M&R is not clearly erroneous or contrary to law. Therefore, the Court **ADOPTS** the M&R in its entirety. (D.E. 6). Plaintiff's complaint is **DISMISSED without prejudice**. (D.E. 1).

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
June 10th, 2022